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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/767,455	01/23/2001	Dale A. Sather	MS158383.1	9738

45979 7590 09/14/2005

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EXAMINER

SMITH, PETER J

ART UNIT	PAPER NUMBER
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2176

DATE MAILED: 09/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/767,455

Applicant(s)

SATHER, DALE A.

Examiner

Peter J. Smith

Art Unit

2176

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 June 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 28-50 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 28-50 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

1. This action is responsive to communications: RCE amendment filed 6/20/2005.
2. Claims 28-50 are pending in the case. Claims 28, 36, and 44 are independent claims.

Continued Examination Under 37 CFR 1.114

3. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 6/20/2005 has been entered.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 28-50 rejected under 35 U.S.C. 102(e) as being anticipated by Stapel et al. (hereinafter “Stapel”), US 6,912,538 B2 provisional filed 10/20/2000.**

Regarding independent claim 28, Stapel discloses a hierarchical model current representation in col. 2 line 6 – col. 3 line 2. Stapel specifically discusses the hierarchical limitation of the prior art document representation in col. 2 lines 6-22 and col. 2 lines 47-57.

Art Unit: 2176

Stapel points out that the hierarchical structure is insufficient to achieve complex representations. Therefore, Stapel discloses a new document representation in col. 3 line 5 – col. 4 line 58, which it calls a matrix representation, which defines elements and their association such that both standard hierarchical and complex non-hierarchical relationships can be defined between elements using the same mechanism.

Stapel discloses identifying elements of the current representation that are to be items in the new representation in fig. 2, fig. 3, col. 3 lines 41-58, and col. 8 line 5 – col. 10 line 51. Stapel discloses for each identified element, creating for the new representation an item corresponding to the identified element in fig. 2, fig. 3, col. 8 line 5 – col. 10 line 51. Stapel discloses for each created item, adding to the item that is a subject of a hierarchical relationship as indicated by the current representation a link to each item corresponding to an identified element that is an object of the hierarchical relationship as indicated by the current representation in fig. 1, fig. 2, fig. 3, col. 3 line 28 – col. 4 line 15, and col. 8 line 5 – col. 10 line 51. Stapel discloses for non-hierarchical relationships between elements and content of elements as indicated by the current representation, adding to an item corresponding to the element that is the subject of the non-hierarchical relationship a link to the item corresponding to the content of the element that is the object of the non-hierarchical relationship in fig. 1, fig. 2, fig. 3, col. 3 line 28 – col. 4 line 15, and col. 8 line 5 – col. 10 line 51. Stapel discloses wherein the created items and added links form the new representation of the document in col. 3 line 5 – col. 4 line 58.

Regarding dependent claim 29, Stapel discloses wherein the hierarchical relationships are explicit and the non-hierarchical relationships are implicit in col. 2 line 6 – col. 4 line 15.

Regarding dependent claim 30, Stapel discloses wherein the hierarchical model is XML based in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 31, Stapel discloses wherein the hierarchical relationships are indicated by parent and child relationships of XML elements in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 32, Stapel discloses wherein the non-hierarchical relationship is an attribute of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 33, Stapel discloses wherein a non-hierarchical relationship is a property of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 34, Stapel discloses wherein a non-hierarchical relationship is content of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 35, Stapel discloses where the new representation is based on an item, relationship, and attributed model in fig. 3, col. 3 line 5 – col. 4 line 58, and col. 10 line 3-51. The elements are stored in table 210, the relationships are stored in table 230, and the attributes are stored in table 250, all shown in fig. 3.

Regarding independent claim 36, Stapel discloses a hierarchical model current representation in col. 2 line 6 – col. 3 line 2. Stapel specifically discusses the hierarchical limitation of the prior art document representation in col. 2 lines 6-22 and col. 2 lines 47-57. Stapel points out that the hierarchical structure is insufficient to achieve complex representations. Therefore, Stapel discloses a new document representation in col. 3 line 5 – col. 4 line 58, which it calls a matrix representation, which defines elements and their association such that both

Art Unit: 2176

standard hierarchical and complex non-hierarchical relationships can be defined between elements using the same mechanism.

Stapel discloses identifying elements of the current representation that are to be items in the new representation in fig. 2, fig. 3, col. 3 lines 41-58, and col. 8 line 5 – col. 10 line 51.

Stapel discloses for hierarchical relationships between elements of the current representation, adding to an item corresponding to the element that is a subject of the hierarchical relationship a link to the item corresponding to the element that is an object of the hierarchical relationship in fig. 1, fig. 2, fig. 3, col. 3 line 28 – col. 4 line 15, and col. 8 line 5 – col. 10 line 51. Stapel discloses for non-hierarchical relationships between elements and content of elements as indicated by the current representation, adding to an item corresponding to the element that is the subject of the non-hierarchical relationship a link to the item corresponding to the content of the element that is the object of the non-hierarchical relationship in fig. 1, fig. 2, fig. 3, col. 3 line 28 – col. 4 line 15, and col. 8 line 5 – col. 10 line 51. Stapel discloses adding to items attributes of corresponding elements of the current representation that do not indicate a relationship between elements in fig. 3 and col. 10 lines 2-51. The attribute table stores item attributes for each of the elements that do not indicate relationships.

Regarding dependent claim 37, Stapel discloses wherein the hierarchical relationships are explicit and the non-hierarchical relationships are implicit in col. 2 line 6 – col. 4 line 15. Stapel discloses wherein the non-hierarchical relationships are explicit in the new representation of the document in fig. 1, fig. 2, fig. 3, col. 3 line 28 – col. 4 line 15, and col. 8 line 5 – col. 10 line 51.

Regarding dependent claim 38, Stapel discloses wherein the hierarchical model is XML based in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 39, Stapel discloses wherein the hierarchical relationships are indicated by parent and child relationships of XML elements in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 40, Stapel discloses wherein the non-hierarchical relationship is an attribute of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 41, Stapel discloses wherein a non-hierarchical relationship is a property of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 42, Stapel discloses wherein a non-hierarchical relationship is content of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 43, Stapel discloses where the new representation is based on an item, relationship, and attributed model in fig. 3, col. 3 line 5 – col. 4 line 58, and col. 10 lines 3-51. The elements are stored in table 210, the relationships are stored in table 230, and the attributes are stored in table 250, all shown in fig. 3.

Regarding independent claim 44, Stapel discloses a hierarchical model current representation in col. 2 line 6 – col. 3 line 2. Stapel specifically discusses the hierarchical limitation of the prior art document representation in col. 2 lines 6-22 and col. 2 lines 47-57. Stapel points out that the hierarchical structure is insufficient to achieve complex representations. Therefore, Stapel discloses a new document representation in col. 3 line 5 – col. 4 line 58, which it calls a matrix representation, which defines elements and their association such that both

Art Unit: 2176

standard hierarchical and complex non-hierarchical relationships can be defined between elements using the same mechanism.

Stapel discloses identifying elements of the current representation that are to be items in the new representation in fig. 2, fig. 3, col. 3 lines 41-58, and col. 8 line 5 – col. 10 line 51.

Stapel discloses for hierarchical relationships between elements of the current representation, adding to an item corresponding to the element that is a subject of the hierarchical relationship a link to the item corresponding to the element that is an object of the hierarchical relationship in fig. 1, fig. 2, fig. 3, col. 3 line 28 – col. 4 line 15, and col. 8 line 5 – col. 10 line 51. Stapel discloses for non-hierarchical relationships between elements and content of elements of the current representation, adding to an item corresponding to the element that is the subject of the non-hierarchical relationship a link to the item corresponding to the content of the element that is the object of the non-hierarchical relationship in fig. 1, fig. 2, fig. 3, col. 3 line 28 – col. 4 line 15, and col. 8 line 5 – col. 10 line 51.

Regarding dependent claim 45, Stapel discloses wherein the hierarchical relationships are explicit and the non-hierarchical relationships are implicit in col. 2 line 6 – col. 4 line 15.

Regarding dependent claim 46, Stapel discloses wherein the hierarchical relationships are indicated by parent and child relationships of XML elements in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 47, Stapel discloses wherein the non-hierarchical relationship is an attribute of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 48, Stapel discloses wherein a non-hierarchical relationship is a property of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 49, Stapel discloses wherein a non-hierarchical relationship is content of an XML element that refers to another XML element in col. 2 line 6 – col. 3 line 2.

Regarding dependent claim 50, Stapel discloses where the new representation is based on an item, relationship, and attributed model in fig. 3, col. 3 line 5 – col. 4 line 58, and col. 10 line 3-51. The elements are stored in table 210, the relationships are stored in table 230, and the attributes are stored in table 250, all shown in fig. 3.

Response to Arguments

6. Applicant's arguments, see pages 7 and 8, filed 6/20/2005, with respect to the rejection of claims 28-50 under 35 USC 102(e) as being anticipated by Jacobs have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of 35 USC 102(e) as being anticipated by Stapel et al. (hereinafter "Stapel"). Stapel discloses that the prior art limitations of a hierarchical structured document in col. 2 lines 47-57. The Examiner believes Stapel discloses a new representation which is formed from a current representation and that the new representation explicitly defines both hierarchical and non-hierarchical relationships between elements in the document. In Stapel, the elements are stored in table 210, the relationships are stored in table 230, and the attributes are stored in table 250, all shown in fig. 3.

Art Unit: 2176

Conclusion

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Peter J. Smith whose telephone number is 571-272-4101. The examiner can normally be reached on Mondays-Fridays 7:00am-3:30pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather R. Herndon can be reached on 571-272-4136. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

PJS
9/6/05

William L. Bashore
WILLIAM BASHORE
PRIMARY EXAMINER
9/12/2005